

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Larry D. Person,

Case No. 5:18-cv-1374

Petitioner,

v.

ORDER

Warden David Gray,

Respondent.

Before me is the April 3, 2020 Report and Recommendation of Magistrate Judge Jonathan D. Greenberg, (Doc. No. 11), recommending I deny *pro se* Petitioner Larry Person's petition for a writ of habeas corpus under 28 U.S.C. § 2254 because Person failed to exhaust his claims before the Ohio courts or, in the alternative, that his claims are waived and are not cognizable in habeas proceedings.

Under the relevant statute, "[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court." 28 U.S.C. § 636(b)(1); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). The fourteen-day period has elapsed and no objections have been filed.

The failure to file written objections to the Magistrate Judge's Report and Recommendation constitutes a waiver of a determination by the district court of an issue covered in the report.

*Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also Walters*, 638 F.2d at 950; *Smith v. Detroit Fed'n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) ("[O]nly those

specific objections to the magistrate's report made to the district court will be preserved for appellate review").

Following my review of the Magistrate Judge's Report and Recommendation, I adopt the Report and Recommendation, (Doc. No. 11), in its entirety as the Order of the Court and dismiss Person's petition as unexhausted. Further, I certify there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge